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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 AUTOMOTIVE INDUSTRIES PENSION  
11 TRUST FUND, JAMES H. BENO, Trustee,  
BILL BRUNELLI, Trustee, STEPHEN J.  
12 MACK, Trustee, CHRIS CHRISTOPHERSEN,  
Trustee, DON CROSATTO, Trustee, MARK  
13 HOLLIBUSH, Trustee, JON ROSELLE,  
Trustee, DOUGLAS CORNFORD, Trustee,  
14 and JAMES V. CANTERBURY, Trustee,

15 Plaintiffs,  
v.  
16 JAE JUNG KIM dba TRI-CITY BODY &  
PAINT; TRI-CITY BODY & PAINT, INC., a  
17 California Corporation; and DOES 1-20,  
Defendants.

18 Case No.: C 13-01597 KAW

19 **STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE  
AND EXTEND TIME TO RESPOND  
TO COMPLAINT**

20 Date: July 9, 2013  
Time: 1:30 p.m.  
Courtroom 4, 3rd Floor  
Magistrate Judge: Kandis A. Westmore

21 The parties have stipulated to a 90-day continuance of the Initial Case Management  
22 Conference currently scheduled for July 9, 2013 at 1:30 p.m. in Courtroom 4, 3rd Floor of this  
23 Court, and all related case management and ADR deadlines, and seek the Court's approval for  
same. The parties have further stipulated to a 60-day extension of Defendants' deadline to  
24 respond to Plaintiffs' Complaint, which is currently set for June 19, 2013, and seek the Court's  
25 approval for same.

26 1. Good Cause exists for the request: This action arises under the Employee  
27 Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multiemployer Pension  
28 Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE; Case No.: 13-01597 KAW

1 amounts allegedly owed by defendants Jae Jung Kim and Tri-City Body & Paint, Inc.,  
2 ("Defendants") to plaintiffs Automotive Industries Pension Trust Fund and its Trustees  
3 ("Plaintiffs").

4 2. On April 9, 2013, plaintiffs filed a Complaint in this matter.

5 3. Defendants have been served and have appeared in the action as follows:

6 Jae Jung Kim dba Tri-City Body & Paint was served on April 29, 2013. (Dkt. 7)

7 Tri-City Body & Pain, Inc., a California Corporation, was served on April 29,  
8 2013. (Dkt. 8)

9 4. On May 16, 2013, the parties stipulated to a 30-day extension to June 19, 2013 for  
10 Defendants to respond to the Complaint.

11 5. The reason for the request is that the parties wish to have time to attempt a  
12 cooperative resolution before incurring the fees involved in preparing for case management and  
13 responding to the Complaint. In the interest of minimizing costs as well as attorney's fees and the  
14 Court's time and resources, the parties would like to take the opportunity to attempt a settlement.

15 6. Therefore, the parties respectfully request that the Case Management Conference  
16 currently scheduled for July 9, 2013, and all of its associated deadlines, be continued for 90 days.

17 7. No previous requests to change these dates have been submitted. The changes will  
18 not affect any other deadline on the Court's calendar.

19 8. The parties also respectfully request that the Court further extend Defendants' time  
20 to respond to the Complaint by 60 days, to August 18, 2013. Because August 18, 2013 is a  
21 Sunday, Defendants' deadline to respond to Plaintiff's Complaint shall be August 19, 2013.

22 9. On May 16, 2013, the parties stipulated to a 30-day extension of Defendants' time  
23 to respond to the Complaint. This further extension will not affect any other deadline on the  
24 Court's calendar.

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1 Dated: June 10, 2013  
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3 /s/ SEAN T. STRAUSS  
4 SEAN T. STRAUSS  
5 TRUCKER♦HUSS  
6 Attorneys for Defendants  
7 JAE JUNG KIM  
8 TRI-CITY BODY & PAINT, INC.  
9

10 Dated: June 10, 2013  
11

12 /s/ JULIE RICHARDSON  
13 JULIE RICHARDSON  
14 SALTZMAN & JOHNSON LAW CORPORATION  
15 Attorneys for Plaintiffs  
16 AUTOMOTIVE INDUSTRIES PENSION TRUST  
17 FUND  
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## ORDER

2       1. Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby  
3 continues the Initial Case Management Conference in this action from its currently scheduled date  
4 of July 9, 2013 to October 8, 2013. All other related case management and ADR deadlines are  
5 continued accordingly.

6 2. Furthermore, the Court hereby extends Defendants deadline to respond to  
7 Plaintiffs' Complaint to August 19, 2013.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: June 10, 2013

*Kandis Westmore*  
KANDIS A. WESTMORE  
United States Magistrate Judge